

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Alexander T. Chenvainu et al.	Art Unit :	3732
Serial No. :	10/666,497	Examiner :	Laura Cole Guidotti
Filed :	September 19, 2003	Conf. No. :	9179
Title :	TOOTHBRUSHES		

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TO ACTION OF NOVEMBER 26, 2007

In reply to the Office Action of November 26, 2007, Applicants submit the following remarks.

The undersigned thanks Examiner Guidotti for the courtesies extended during the telephonic interview on April 21, 2008. The claims and the cited references were discussed. No agreement was reached.

Claims 35, 37-39, 41-46, and 48-53 stand rejected as unpatentable over Weihrauch, U.S. Patent No. 6,421,867 (Weihrauch) in view of Brown, Jr. et al., US Patent Application Publication No. 2004/0177462 ("Brown Jr.") in further view of Kressner et al., U.S. Patent No. 6,021,538 ("Kressner"). With regard to this rejection, Applicants note that Brown Jr. could only qualify as a reference under 35 U.S.C. § 102(e). But at the time the claimed invention was made, the subject matter of Brown Jr. and the claimed invention were subject to an obligation of assignment to the same entity (The Gillette Company). Thus, Brown Jr. cannot preclude patentability under 35 U.S.C. § 103. See, e.g., 35 U.S.C. §103(c) and MPEP 706.02(I)(1). Applicants therefore request that this rejection under 35 U.S.C. §103(a) be withdrawn.

Claims 35, 39, 41-43, 46, 48, and 49 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Biro (U.S. Publication No. 2002/0157198) in view of Calabrese (U.S. Publication No. 2002/0138928) in further view of White (U.S. Patent No. 5,930,861) and in even further view of Kressner. None of Biro, Calabrese, White, or Kressner disclose or suggest a power toothbrush having "a plurality of elastomeric fins pivotably mounted in and extending